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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,274	10/28/2005	Christian Sondergaard	502424.114105	7374
29540	7590	09/30/2008		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER SILBERMANN, JOANNE	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 09/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/533,274

**Applicant(s)**

SONDERGAARD, CHRISTIAN

**Examiner**

Joanne Silbermann

**Art Unit**

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. WO 93/04559.

3. Brown discloses an advertisement and a method for creating an advertisement that is promotional or commercial in nature and may be used at sporting events.

4. An image, which may be placed on a playing surface of a sports field, is viewed for a line of sight 14 (Figure 1). The image appears as though perpendicular to the line of sight, as in imaginary plane 16. The desired image is transformed (Figure 3) so that when viewed from the line of sight it appears normal. The image appears to have three dimensions, at least one of which is parallel to the lines on the surface (Figure 3) and which gives the image depth (page 1 line 17). The imaginary line of sight extends from a camera, 12. The method of generating the image may be done by a computer (page 5 line 19).

5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gros, EP 0 810 780 A1.

6. Gros discloses an advertisement print (6, 7) comprising information positioned on a substantially plane surface of print carrier 1 (Figure 1) which is parallel to inclined

plane 2 having a first inclination (30 degrees) relative to the ground. The advertising print includes first and second three-dimensional elements 6 and 7. These elements are transformed into a perspective projection 18 (Figure 6) which is based upon a predetermined viewpoint (camera, 20). The surface used may be any flat surface in a sports arena. All three dimensions may be corrected, so as to provide depth (column 2 lines 14-15). The method for transforming the image may be done by computer (column 2 lines 35-36).

7. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen, WO 98/43231.

8. Thomsen discloses an advertising print on a plane carrier at a sports arena. The advertising print is optimized for a viewer at a predefined viewpoint, such as that of a television camera. The advertising print includes primary and secondary figurative elements (and possibly a tertiary element) for depicting three dimensions. The image on the print is transformed so as to appear correct when viewed from the predefined viewpoint (page 4 lines 22-28, Figure 1).

#### ***Response to Arguments***

9. Applicant's arguments filed June 19, 2008 have been fully considered but they are not persuasive.

10. Regarding WO 93/04559 (Brown) Applicant argues that this reference does not teach creating the image or use of an inclined surface. Brown describes (page 1 starting at line 5) a method of depicting an image including applying it to a surface. Brown further discusses creating an image by applying an inverse perspective

transformation of the image to a surface (page 2 lines 25-26). Furthermore, Brown teaches creating this image by means of a computer (page 5 line 19). As for the use of an inclined surface, Brown teaches using "a surface" which may or may not be inclined. Brown also uses a ground surface (page 3 line 21) which may be inclined.

11. Regarding EP 0 810 780 A1 (Gros) Applicant argues that this reference does not teach a method of generating the print or using an inclined surface. Gros teaches (column 4 lines 45-53) how the print is created. Gros also teaches transforming the advertisement to create the image (column 5 lines 6-29). Gros further teaches using a panel at an angle of 45 degrees (column 3 line 57).

12. Regarding WO 98/43231 (Thomsen) Applicant argues that no method of generating a print is mentioned nor is the use of an inclined surface. Thomsen teaches creating a print (page 2 lines 28-32) as well as the angles at which the figurative elements are placed (page 4 lines 22-28). Thomsen also teaches using a road surface (page 4 lines 14-15) which may be inclined.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silbermann  
Primary Examiner  
Art Unit 3611

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